



# Town of Southern Shores

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Town of Southern Shores

Council Meeting

May 27, 2008

8:00 A.M.-Pitts Center

## Minutes

The Southern Shores Town Council met on May 27, 2008 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Kevin Stroud and Jim Pfizenmayer.

Also present were: Charles Read, town manager, Carrie Gordin, town clerk and Ike McRee, town attorney.

Mayor Smith called the meeting to order at 8:00 a.m., led the Pledge of Allegiance and held a moment of silence for our troops serving around the world, to recognize all those remembered on Memorial Day and for the family of Walter Davis, philanthropist, and previous resident of the town.

### **APPROVAL OF AGENDA**

Mayor Smith moved to add a closed session before the end of the meeting and moved to approve the agenda as amended. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Stroud, and Pfizenmayer voting aye; no council member voting no and no council member absent.

### **INTRODUCTION OF NEW EMPLOYEES**

Police Chief Kole introduced Officer Matthew Cooke.

The Town Manager introduced Sheila Kane, Administrative Specialist. He stated she has been working as a temporary employee for the past three months and now as a full time employee.

### **PRESENTATION- Zoning Ordinance Overview**

Nancy Wendt, Planning Board vice-chairman, presented a document to council that she developed providing a zoning ordinance overview to enable the planning board, council and committees to better understand the Town's Zoning Ordinance.

She stated in reviewing information for this document it should be noted that canal dredging sites were identified in the beginning with the Southern Shores Civic Association but these sites were not transferred to the town when the canals were transferred.

She stated the Town's Land Use Plan, state mandated update, drives changes to the Zoning map and ordinances and permitting applications should be considered in a way that is consistent or inconsistent with the Land Use Plan by state regulation.

Council thanked her for the time she spent on this project.

### **PUBLIC COMMENT**

Mayor Smith opened public comment section.

David Sanders, 158 Beech Tree Trail, stated upon further review of the proposed FY2008-09 budget of the nine cent tax rate reduced from the current nine and three-quarter cent he found he would receive \$27.78 back for the year. He stated the cuts from the budget are from services that directly impact the citizens such as chipping, life guard, recycling, fire department, but at the same time administrative and operational costs are going up. He does support council compensation and salary increases. He stated he would rather see the town keep that money and restore his services or even increase the tax rate to ten cents and fully fund everything that needs to be done and give council a decent salary and he won't miss the \$9.20.

Hearing no other comments he closed the public comment section.

### **APPROVAL of MINUTES – April 22, 2008**

Council Member Hess moved to approve the April 22, 2008 minutes as changed. Mayor Smith seconded. Mayor Smith noted on page 4, line 9 there seems to be a typographical error. The town clerk noted the change. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

### **CONSENT AGENDA**

FY 2007-08 Budget Amendment #10 and Tax Pick Ups and Releases

Council Member Hess moved to approve the consent agenda as presented. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

[Clerk's Note: A copy of the FY 2007-08 Budget Amendment #10 and Tax Pick Ups and Releases are attached hereto as Exhibit A].

### **REPORTS-None**

### **OLD BUSINESS**

#### **Memorandum of Agreement (MOA)-North Carolina Department of Transportation (NCDOT)**

The town manager stated this item was presented to council at the May 7, 2008 council meeting. Council asked that the town attorney review. Upon review by the town attorney he has no concerns. This agreement has been signed off by the other local municipalities.

Council Member Hess moved to approve the NCDOT agreement. Council Member McDonald seconded.

The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

### Amended 2008 Classification and Pay Study

The town manager submitted recommended changes requested by council as well as recommended from him for council consideration.

Council Member Hess stated on the presented grade list it was not modified to reflect the change from 19 to a 20 for the code enforcement administrator.

Mayor Smith stated he does not feel the \$15,000 College Incentives and Career Development Programs for the police department should be included at this time with the increase in costs of gas and difficult economic times.

Council Member Hess stated she supports the program. Its purpose is to retain our officers and alleviate turn-over cost when an employee leaves, which would be more expensive than \$15,000.

Council Member McDonald stated this program is supported by the town manager. The town manager stated in a small police department it is limited for officers to be promoted and this is a tool that allows for some discretion in awarding the officers.

Mayor Smith read from an article on the Internet that other towns are trying to find ways to reduce high gas costs by having police officers to walk the beat and police cars are not being taking home. He stated the pay study is increasing the employees salaries and this is another benefit and he doesn't feel it is fiscally responsible to support this program.

Council Member Pfizenmayer stated implementing an education program is a good thing. He stated if funds need to be cut due to increase in gas prices that should be looked into but not take funds away from an education program.

Council Member Stroud stated he has heard police turn-over in the other towns is a problem and this type of program keeps our officers he supports the program. He stated he supports the program and comparing this program and gas prices doesn't work.

Council Member McDonald asked if the administrative specialist job description was developed by the MAPS Group or in-house. The town manager stated it was developed in-house with the multi-tasking duties discussed with staff.

Council Member McDonald asked if this position would need to have multiple (state and national) background checks since it is dealing with finances. The town manager stated it is the policy that no new employee would be hired without a complete background investigation.

Council Member Hess moved to approve Resolution 2008-05-02 as presented. Council Member McDonald seconded. The motion passed with Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; Mayor Smith voting no and no council member absent.

[Clerk's Note: A copy of Resolution 2008-05-02 is hereby attached hereto as Exhibit B].

### Resolution 2008-05-04 Canal Dredging Project

Council requested a resolution be prepared to be presented to the legislators in Raleigh when certain members of council are to meet with them to request their support on the town's canal dredging project.

Council Member Hess provided some changes to the draft resolution for continuity. Council agreed to accept the recommended changes. Council Member Hess moved to approve Resolution 2008-05-04 as amended. Council Member McDonald seconded.

The motion passed with Mayor Smith and Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.  
[Clerk's Note: A copy of Resolution 2008-05-04 is hereby attached hereto as Exhibit C].

#### Mutual Aid Assistance with other Law Enforcement Agencies

Police Chief Kole provided council with information from the Dare County Sheriff's office recommending council consider adopting Resolution 2008-05-06 provides for mutual assistance with other law enforcement agencies and that upon adoption there would be no need to update this agreement annually.

Mayor Smith pointed out a typographical error and it was noted by the town clerk. Council Member Hess moved to approve Resolution 2008-05-06. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

[Clerk's Note: A copy of Resolution 2008-05-06 is hereby attached hereto as Exhibit D].

#### Fee Schedule-Conditional Use Permit

The town manager stated staff request council considers amending Ordinance 2007-01-03 Town Fee Schedule to include a fee in the amount of \$200 for a conditional use permit currently the town has no fee for this permit. This fee would provide for the administrative cost of the required public notice and notification to the adjacent and abutting property owners of the conditional use hearing.

Discussion was held regarding the appropriate fee for a conditional use permit and consensus of council is to pay a flat fee and to include the cost of mailings and advertising.

Mayor Smith moved to charge a fee of fifty dollars for a conditional use permit and to include the cost of mailings and advertising. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

#### Surplus Property

The town manager provided a request from staff to dispose of certain surplus property, unused cell phones, to be donated to Secure the Call, a non profit organization that re-programs the phones to be used for free 911 emergency phones to those individuals and organizations with a need for 911 access.

Council Member Pfizenmayer moved to approve Resolution 2008-05-07 as presented. Council Member Stroud seconded. The motion passed with Mayor Smith and Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

[Clerk's Note: A copy of Resolution 2008-05-07 is hereby attached hereto as Exhibit E].

#### Support the Town of Duck Stormwater Initiatives

The town manager reported that Chris Layton, town manager of Duck is requesting council support their stormwater initiatives by adopting a resolution. Staff has provided a resolution for consideration. Council Member pointed out a typographical error and it was noted by the town clerk.

Council Member Hess asked why the Town of Duck needs more money for this project. It was stated additional major road construction is needed.

Mayor Smith moved to adopt Resolution 2008-05-08 with the correction. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

[Clerk's Note: A copy of Resolution 2008-05-08 is hereby attached hereto as Exhibit F].

#### Fire Department Contract

Mayor Smith stated this item has been tabled for discussion on May 30 at 8:00 a.m. due to the fire department's request since some of their members were unable to meet.

### **OTHER ITEMS**

#### Manager

The town manager reported the Dare County Board of Elections has notified the town that a run-off election needs to be held on Tuesday, June 24. He stated that is the regularly schedule date for the council workshop and council would need to set another date for their meeting, Council consensus is to set the date for Wednesday, June 25 beginning at 8:00 a.m. in the Pitts Center.

#### Town Attorney –None

#### Mayor

Mayor Smith stated that upon attending the Memorial Day services at the Town's cemetery he would request that more citizens attend the Memorial Day ceremony next year. He stated it would mean a great deal to the veteran's and their families.

#### Council

Council Member Hess stated she would like to thank the Public Works Department for a great job on cutting back the vegetation at the line of site at NC12/E. Dogwood Trail.

Council Member Pfizenmayer stated there are many WWII veterans buried in the cemetery and people should take a look. He invited the residents to visit the SSCA pavilion, which was dedicated on Saturday. He stated it is a benefit to the town. He also would like to see more people volunteer for the Town's 30<sup>th</sup> anniversary and we are looking for a chairman.

Mayor Smith stated that Council Member Stroud, the town manager and he would be going to Raleigh tomorrow to meet with the legislators to ask for their help in the canal dredging project.

### **PUBLIC COMMENT**

Mayor Smith opened the public comment section.

Sam Williams, 109 Pudding Pan Lane, stated he may not agree with the council's decision on the current budget he does appreciate their efforts. He stated he is concerned and confused upon reading the manager's budget message. He feels the proposed budget is poorly thought out and short-sighted. He stated hearing that FY2008-09 revenues were down by 1.2 million is troubling. He stated he doesn't think the tax rate should be reduced to save \$130,000 doesn't seem worth it. He asked how long it will take to build a capital reserve fund if the tax rate is lowered. Keep the tax rate where it is and use the money for the increases in fuel costs, funding police cars, or making up differences if grant money is not received. He stated he doesn't feel the current council should be compensated but consideration should be for the next council.

He stated the code enforcement and planning of the town, especially in planning has been neglected. He stated sometime down the road the fire department will need to be paid and council should be planning for that now. He stated a town planner will be needed in the future to look at the town's zoning and the current draft of the Land Use Plan in his opinion is awful.

Nancy Wendt, 146 Beech Tree Trail, stated she is frustrated in the way the budget and municipal planning is piece meal. She would ask council to start looking into the needs and expectation for services. She would ask what service to provide at what level and at what cost to the citizens. She suggested looking at recurring and non-recurring revenues.

She would like to see a citizen forum prior to a budget public hearing to discuss what is needed tax wise to provide what is best for the citizens.

Hearing no other comments Mayor Smith closed the public comment section.

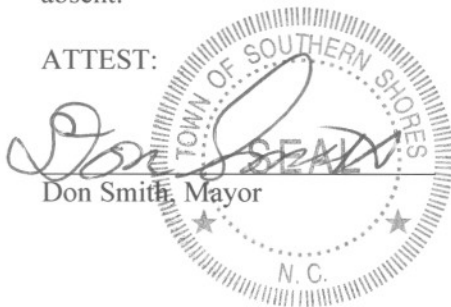
Council Comments-None

Hearing no other regular business Mayor Smith moved to go into closed session pursuant to NCGS 143-318.11 (a) (3) to consult with attorney retained by the town in order to preserve the attorney-client privilege. Council Member Pfizenmayer seconded.

The motion passed with Mayor Smith and Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

Mayor Smith, upon returning to open session, moved to adjourn the meeting at 11:13 a.m. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

ATTEST:



Respectfully submitted:

  
Carrie Gordin, Town Clerk

**Town of Southern Shores  
Budget Amendment Number #10**

Explanation: To transfer money from the Admin. Dept.to Public Works to purchase tires for tractor, truck and car and fuel

Approved By:

Don Smith, Mayor

TOWN OF  
SOUTHERN  
SHORES  
TAX DEPARTMENT

5/27/2008

PICKUPS

RELEASES

January Real	\$93.73
March Real	\$4.82
April Real	\$1.74
January Vehicle	\$37.90
Feb. Vehicle	\$19.01
March Vehicle	\$36.15

**TOTAL**

**\$0.00**

**\$193.35**

Exhibit B

Resolution 2008-05-02

**Resolution  
Town of Southern Shores  
Classification and Pay Study  
May 2008**

**Whereas**, the Town of Southern Shores contracted with The MAPS Group to update the Classification and Pay study to reflect changes in job duties, job evaluations and salaries within the local labor market.

**Now, Therefore, Be it Resolved**, by the Town Council that the Classification and Pay Plan presented April 22, 2008 is adopted as follows and with recommend changes by Council at the May 7, 2008 Council meeting:

1. The FY2008-09 Salary Schedule will be implemented effective the first payroll in July, 2008. The FY2008-09 Salary Schedule reflecting a 3.5% cost of living adjustment (COLA) will be implemented the first payroll in July, 2008.
2. Salary increases as proposed by the Town Manager totaling \$28,991 are approved to be implemented the first payroll in July, 2008.
3. Institute as part of this study for the police department a College Education Incentives Program at a cost not to exceed \$15,000 annually as well as a Career Development Program for police officers as recommended by Chief Kole.

**Be It Further Resolved** that the Town of Southern Shores Personnel Policies stated on Pages 1-39 of the revised Personnel Policy, shall apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the Town of Southern Shores.

Adopted this 27<sup>th</sup> day of May 2008

ATTEST:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

\_\_\_\_\_  
Don Smith, Mayor

**RESOLUTION SUPPORTING THE DREDGING PROCESS OF THE MAN-MADE CANALS IN  
THE TOWN OF SOUTHERN SHORES, NC**

**WHEREAS**, the canals serve as a maritime navigational and recreational access to the Currituck Sound and Ginguite Bay and are important to the maintenance of stormwater management; and

**WHEREAS**, the canals provide access to public safety motor vessel patrols of the United States Coast Guard Auxiliary, the Southern Shores Police Department and other agencies, as well as Town-based commercial fishermen; and

**WHEREAS**, there are 450 privately-owned parcels abutting the canals, whose values are enhanced by the canals, and maintenance of these canals will continue to support the uniqueness of these properties and their values; and

**WHEREAS**, the approximate seven (7) miles of man-made canals in the Town of Southern Shores are in the permitting phase of the process to dredge all of the canals; and

**WHEREAS**, the Southern Shores Town Council has appealed to the Divisions of Water Quality and Coastal Management and the North Carolina Department of Environment and Natural Resources to approve the permits needed.

**NOW THEREFORE BE IT RESOLVED** that the Town of Southern Shores requests the support of Senator Marc Basnight, Representative Tim Spear and the State departments involved in the processing of their canal dredging permit application.

**BE IT FURTHER RESOLVED** that the Southern Shores Town Council unanimously supports this project and is committed to seeing it to completion.

Adopted this 27<sup>th</sup> day of May 2008.

\_\_\_\_\_  
Don Smith, Mayor

ATTEST:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

**RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW  
ENFORCEMENT AGENCIES**

**WHEREAS**, pursuant to North Carolina General Statutes § 160A-288, the governing body of a city may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

**WHEREAS**, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

**WHEREAS**, it is deemed to be in the best interests of the citizens of the Town of Southern Shores to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

**WHEREAS**, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of the Town of Southern Shores;

**NOW, THEREFORE, BE IT RESOLVED BY** the Town of Southern Shores that:

1. The Chief of Police is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
2. The Chief of Police is hereby authorized to permit officers of the Southern Shores Police Department to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Chief of Police may lend such equipment and supplies to requesting agencies as he deems advisable.
3. All such request and authorizations shall be in accordance with North Carolina General Statutes § 160A-288, as applicable.
4. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges, and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possesses.
5. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.
6. The Chief of Police is hereby authorized to enter into mutual assistance agreements with the other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

Council Member Hess moved for the adoption of the foregoing resolution. Mayor Smith seconded the motion and, upon vote, the same was adopted.

This the 27<sup>th</sup> day of May, 2008.

\_\_\_\_\_  
Don Smith, Mayor

ATTEST:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

**RESOLUTION**

**AUTHORIZING DISPOSAL OF CERTAIN PERSONAL PROPERTY  
AS SURPLUS**

**WHEREAS**, the Southern Shores Town Council desires to dispose of certain surplus property;

**NOW, THEREFORE, BE IT RESOLVED** by the Southern Shore Town Council that:

The following described property is hereby declared to be surplus to the needs of the Town:

Forty-three (43) assorted cell phones and accessories; and

The town manager or his designee is authorized to donate the cell phones to the Secure the Call Foundation to be re-programmed and used for free 911 emergency phones to those individuals and organizations with an immediate need for 911 access.

In accordance to N.C.G.S.160A-280 Donations of personal property a public notice shall be posted at least five days prior to the adoption of a resolution approving the donation and the resolution shall be adopted prior to making any donation of surplus, obsolete, or unused personal property.

Adopted this 27th day of May, 2008.

\_\_\_\_\_  
Don Smith, Mayor

Attest:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

Exhibit F

**THE SOUTHERN SHORES TOWN COUNCIL SUPPORTS THE TOWN OF DUCK, NORTH  
CAROLINA, REQUESTING ADDITIONAL STATE ASSISTANCE FOR STORMWATER  
IMPROVEMENTS ALONG NC 12 AT THE INTERSECTION OF NC 12 AND WEST TUCKAHOE  
DRIVE IN THE SOUTHERN END OF DUCK**

**WHEREAS**, NC 12 is the only road into and out of the Town of Duck and is the only road connecting the northern beaches of Currituck County with the southern beaches of Dare County; and

**WHEREAS**, NC 12 is maintained by the North Carolina Department of Transportation (NCDOT) and traveled by hundreds of thousands of vehicles each year; and

**WHEREAS**, flooding from rain events plagues NC 12 due to the lack of a stormwater infrastructure to provide for the conveyance of roadway drainage to adequate receiving systems; and

**WHEREAS**, the lack of stormwater infrastructure along NC 12 is best illustrated by the effects of the rain events during the Summer of 2004, which nearly resulted in the closing of NC 12 due to flooding; and

**WHEREAS**, as a result of this flooding, the Towns of Duck and Southern Shores and NCDOT jointly funded a study of the NC 12 corridor within the two towns to study and make recommendations of possible stormwater improvements along NC 12; and

**WHEREAS**, the study was completed in February 2006 and recommended specific stormwater improvements at six areas in the Town of Duck, including improvements along NC 12 at the intersection of NC 12 and West Tuckahoe Drive in the southern end of Duck; and

**WHEREAS**, as a result of this study \$500,000 was provided by Senator Marc Basnight and Division 1 Board of Transportation Member Stan White through their discretionary funding; and

**WHEREAS**, the Town of Southern Shores is diligently working on ways to improve their stormwater issues and NC12 is a viable traffic route through Southern Shores to Duck.

**THEREFORE, BE IT RESOLVED** by the Southern Shores Town Council that we support the Town of Duck, North Carolina, in their request for additional state assistance for stormwater improvements along NC 12 at the intersection of NC 12 and West Tuckahoe Drive in the southern end of Duck in the amount of \$581,860; and

**BE IT FURTHER RESOLVED** that the Southern Shores Town Council hereby respectfully supports the Town of Duck's request that Senator Marc Basnight, Mr. Stan White, Division 1 Member of the North Carolina Board of Transportation, and Representative Tim Spear aid the Town of Duck in securing the required funding for the stormwater improvements along NC 12 at the intersection of NC 12 and West Tuckahoe Drive in the southern end of Duck to alleviate this critical safety issue.

Adopted this 27<sup>th</sup> day of May, 2008.

\_\_\_\_\_  
Don Smith, Mayor

ATTEST:

\_\_\_\_\_  
Carrie Gordin, Town Clerk



# Town of Southern Shores

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Town of Southern Shores  
Recessed Budget Workshop  
May 27, 2008  
10:00 A.M.-Pitts Center

## Minutes

Mayor Smith reconvened the recessed FY 2008-09 Budget workshop from May 13, 2008 at 11:14 a.m.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Kevin Stroud and Jim Pfizenmayer.

Mayor Smith explained the Southern Shores Fire Department needs additional time to provide Council with additional information as related to the budget.

He moved to recess the meeting to May 30, 2008 at 8:00 a.m. in the Pitts Center. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Stroud, and Pfizenmayer voting aye; no council member voting no and no council member absent.

ATTEST:



Don Smith, Mayor

Respectfully submitted:

  
Carrie Gordin, Town Clerk